

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

THE RIGHTSTONE, INC.,  
Plaintiff,

v.

CIVIL ACTION NO. 15-13524-NMG

ELFERS RRH, INC.,  
ELFERS R.R.H., LTD.,  
C&M INVESTMENT LIMITED  
PARTNERSHIP,  
BOSTON CAPITAL PARTNERS, INC.,  
Defendants.

REPORT AND RECOMMENDATION ON  
PLAINTIFF'S MOTION TO REMAND ACTION  
TO PLYMOUTH SUPERIOR COURT (#14).

KELLEY, U.S.M.J.

I. INTRODUCTION.

The original complaint in this action incorporated five claims: Count One, Breach of Fiduciary Duty; Count Two, Breach of Contract; Count Three, Declaratory Relief - Replacement of General Partner; Count Four, Declaratory Relief - Dissolution; and Count Five, Declaratory Relief - Replacement of Managing Agent. Plaintiff, The Rightstone, Inc. ("Rightstone"), instituted this action in the Plymouth County Superior Court on August 24, 2015; Defendants Elfers R.R.H., Ltd. ("Elfers Partnership") and Elfers RRH, LLC ("Elfers LLC") (collectively "Elfers Defendants") removed the case to the federal court on October 7, 2015. (#1.) Two weeks later on October 21, 2015, Elfers filed a motion to dismiss or, alternatively, to transfer action for *forum non conveniens*.

*Report and Recommendation accepted and  
adopted. SJM/Gorton, USDJ 7/11/16*